

Remarks

Claims 1-26 were presented for prosecution. Claims 1-3, 7, 8, 21 and 22 were rejected under 35 USC 102(e) as being anticipated by Sonderman et al., US 6,821,792 ("Sonderman"). Claims 14-20 have been allowed, and claim 4-6, 9-13 and 23-26 have been indicated has containing allowable subject matter. Applicants gratefully appreciate the indication of allowable subject matter. Applicants have amended to specification to address an informality, and have also amended claims 8 and 21 to better clarify the claimed subject matter. No new matter is believed added.

Applicants respectfully traverse the outstanding rejections because Sonderman fails to teach each and every feature of the rejected claims. For instance, claim 1 recites, *inter alia*, the steps of "determining processing conditions for a processing tool corresponding to the first subgroup of data" (which is derived from the database of previously processed workpieces) and "processing the run of workpieces with the process tool using the determined processing conditions." It also uses the derived data to determine a sampling rate, namely "measuring the run of workpieces according to a sampling rate determined from the first subgroup of data." Accordingly, the present invention not only uses data derived from the database of previously processed workpieces to determine the sampling rate, but also utilizes the data to determine processing conditions (i.e., set points) to be used by the processing tool.

Sonderman fails to teach this feature. In column 5, lines 49-58, Sonderman teaches using historical data only to determine a sampling plan to be used by the metrology tool 40. The historical data is not used to determine processing conditions of

the process tool 20. In fact, Sonderman is completely silent regarding how the processing tool 20 is configured.

Independent claims 8 and 21 teach similar features, e.g., "a data analysis system that determines a set of conditions to be applied to a manufacturing process based on a subgroup of data identified from a historical database." Again, Sonderman fails to teach using historical data to determine a set of conditions to be applied to the historical database.

Accordingly, Applicants submit that independent claims 1, 8 and 21 are allowable over Sonderman. The remaining dependent claims are believed allowable for the same reasons, as well as for their own additional features.

Applicants respectfully submit that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated: 3/1/05



\_\_\_\_\_  
Michael F. Hoffman  
Reg. No. 40,019

Hoffman, Warnick & D'Alessandro LLC  
Three E-Comm Square  
Albany, NY 12207  
(518) 449-0044 - Telephone  
(518) 449-0047 - Facsimile